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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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OMY-0041

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03/03/2008

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WASHINGTON, DC 20036

EXAMINER

FOSTER, CHRISTINE E

ART UNIT

PAPER NUMBER

1641

MAIL DATE

DELIVERY MODE

03/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 10516823 | 6/1/2005 | KAWAHARA ET AL. | OMY-0041 |

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EXAMINER

CHRISTINE FOSTER

| ART UNIT | PAPER |
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| 1641 | 20080212 |

DATE MAILED:

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Commissioner for Patents

The reply filed on 2/4/08 is not fully responsive to the prior Office Action because:

As previously detailed in the Office communication mailed 1/10/08, claims 20 and 28, originally directed to product claims, have now been amended to recite process claims. Such process claims no longer read on the originally elected invention of a product. In particular, the amended claims are now directed to a process of making an antibody, while Applicant originally elected the antibody per se, i.e. a product, for examination. The instant reply is not considered to be a complete and proper reply to the prior Office communication because no changes to the claims are presented in the instant reply; claims 20 and 28 are still presented as method claims rather than product claims. Therefore, Applicant has not responded to the prior Office action since claims 20 and 28 still do not read on the elected invention for reasons of record.

Applicant is also reminded that all claims being currently amended must be presented with markings to indicate the changes that have been made relative to last entered amendment (in this case, the amendment of 4/19/07). See CFR 1.121 and MPEP 714.

Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

/Long V Le/
Supervisory Patent Examiner, Art Unit 1641